IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO: 9823 of 2005

Between:

Mohd.Ghouse @ Saber, S/o.Late Mohd. Munawar,
"Antique Business" at shop No.21-3-20 and 20/A at Kasarhatta Mahboob Chowk, Hyderabad.

.... PETITIONER

AND

1 Assistant City Planner,Circle No.2, M.C.H.Bardar Mahal,

Hyderabad.
2 Commissioner, Municipal Corporation of Hyderabad, Tank

Bund, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in taking steps to demolish the premises of the petitioner bearing NO.21-3-20 & 21-3-20/A. Kasarhatta Mahboob Chowk, Charminar, Hyderabad without considering the representation of the petitioners dt. 13-9-2004 and 19-3-2005 and without following due process of law as bad in law and violative of principles of natural justice, and consequently restrain the respondents from demolishing the premises of the petitioner without paying compensation under L.A.Act and pass other order or orders deem fit and necessary in the circumstances of the case, in the Interest of justice and pass such other order or orders as this HOn'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents: Mr.G.Rama Rao

The Court at the stage of admission made the following:

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ORDER:

This Writ Petition is filed, questioning the action of the respondents, in taking steps to demolish the premises bearing Nos. 21-3-20, and, 21-3-20/A, situated in Kasarhatta Mahboob Chowk, Charminar, Hyderabad, without considering the representations of the petitioner dated 13-9-2004 and 19-3-2005.

It is submitted by the learned Counsel for the petitioner, that so for structures are concerned, earlier the same were valued by the Municipal Corporation of Hyderabad, on whose requisition, the land was notified; but, however, compensation was not paid as per the revised norms.

On the other hand, it is submitted by the learned Counsel appearing for the respondents that consequent to initiation of the proceedings under the Land Acquisition Act, 1894, Award is passed determining the compensation for the acquired land. It is further submitted that in the award, the claim of the petitioner for compensation on the basis of revised rates for the structures was also considered.

If adequate compensation is not paid, as much as pursuant to the initiation of the proceedings under the Land Acquisition Act, 1894, Award is already passed; it is open for the petitioner to seek reference under Section 18 of the Land Acquisition Act, 1894. But, on the said ground, the petitioner cannot question the action of the respondents in taking steps for taking over the property, which is already acquired. In that view of the matter, I do not find any valid ground to entertain this Writ Petition.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED 28-04-2005.

RAR/Msnr.

To

1 Assistant City Planner,Circle No.2, M.C.H.Bardar Mahal,

Hyderabad.
2 Commissioner, Municipal Corporation of Hyderabad, Tank

Bund, Hyderabad.

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